

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FRACTUS, S.A.,

Plaintiff,

V.

AT&T MOBILITY LLC,

Defendant,

T-MOBILE US, INC., T-MOBILE USA,
INC.,

Defendants,

CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,

Defendants,

COMMSCOPE TECHNOLOGIES LLC,

Intervenor-Defendant,

T-MOBILE US, INC., T-MOBILE USA,
INC., CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS,

Defendants.

CIVIL ACTION NO. 2:18-CV-00135-JRG
LEAD CASE

CIVIL ACTION NO. 2:18-CV-00137-JRG
MEMBER CASE

CIVIL ACTION NO. 2:18-CV-00138-JRG
MEMBER CASE

CIVIL ACTION NO. 2:19-CV-00255-JRG
MEMBER CASE

ORDER MEMORIALIZING DISMISSAL

The Court held a hearing during the course the of jury trial in Case No. 2:19-cv-255 on October 9, 2019. At that hearing Plaintiff Fractus, S.A. (“Fractus”); Intervenor-Defendant CommScope Technologies LLC (“CommScope”); Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (collectively, T-Mobile); and Defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon”) represented to the Court that a settlement agreement had been reached resolving all matters in dispute in Case No. 2:19-cv-255 (the “CommScope Settlement”). Fractus, CommScope,

T-Mobile, and Verizon (collectively, the “Parties”) jointly moved to dismiss all claims asserted in Case No. 2:19-cv-255 with prejudice. Additionally, Fractus and CommScope jointly moved for dismissal with prejudice of Case No. 2:18-cv-135. This Order summarizes and memorializes the Court’s resulting rulings and reasons therefor as announced into the record. This Order in no way limits or constrains the Court’s rulings as announced into the record from the bench. Accordingly, it is hereby **ORDERED** as follows:

The Court understands and accepts the Parties’ representations in open court that the CommScope Settlement, together with other binding term sheets related to the other cases consolidated under Case No. 2:18-cv-135 (being Case No. 2:18-cv-137 and Case No. 2:18-cv-138), have fully resolved any and all claims and counterclaims asserted by or against any party in this group of consolidated cases and that such cases have been finally settled, with such term sheets being legally binding and enforceable as to the parties thereto.


Accordingly, it is **ORDERED** that the Parties’ joint motion to dismiss Case No. 2:19-cv-255 is **GRANTED**. All claims asserted by and between all parties as part of Case No. 2:19-cv-255 are hereby **DISMISSED WITH PREJUDICE** with all costs and fees to be borne by the party incurring the same.

It is further **ORDERED** that CommScope and Fractus’s joint motion to dismiss Case No. 2:18-cv-135 is **GRANTED**. All claims asserted by and between all parties as part of Case No. 2:18-cv-135 are hereby **DISMISSED WITH PREJUDICE** with all costs and fees to be borne by the party incurring the same.

As requested by the Parties, it is further **ORDERED** that the Court shall retain jurisdiction over Case No. 2:19-cv-255 and Case No. 2:18-cv-135 to enforce the terms of the settlement agreements between the parties thereto.

This Order resolves all claims against all parties in Case No. 2:19-cv-255 and Case No. 2:18-cv-135. All pending requests for relief not previously addressed by the Court in such cases are **DENIED-AS-MOOT**. The Clerk is directed to **CLOSE** Case No. 2:19-cv-255 and Case No. 2:18-cv-135.

So ORDERED and SIGNED this 9th day of October, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE